

REMARKS/ARGUMENTS

The final Office Action of August 23, 2005, has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All rejections are respectfully traversed.

I. STATUS OF THE CLAIMS

Claims 1-8, 14-20, and 26-38 are currently pending.

Claims 8 and 26-37 have been allowed.

Dependent claim 38, dependent upon independent claim 1, has been added. Support for the new claim can be found in paragraph 20 in Applicants' specification. No new matter has been added.

Claims 9-13 and 21-25 have previously been cancelled without prejudice.

Claims 1-7 and 14-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ledvina et al., "A 12 Channel Real-Time GPS Software Receiver", dated 12 December 2002, but first provided externally on January 15, 2003 (Ledvina).

II. REJECTION OF CLAIMS 1 and 5-7 UNDER 35 USC § 102(b) AS BEING ANTICIPATED BY LEDVINA

On pages 2-3, in paragraph 2, the Office Action states that claims 1-7 and 14-20 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Ledvina.

It should be noted that both a 35 U.S.C. § 102(a) (although not raised herein or in any previous prosecution) and a 35 U.S.C. § 102(b) rejection are improper with respect to the Ledvina document because:

- (a) With respect to 35 U.S.C. 102(a), the applicants and the authors of the Ledvina document are one and the same; and
- (b) With respect to 35 U.S.C. 102(b), the Ledvina document was not made available to the public before the priority date of the present application.

Applicants assert that Ledvina was not disclosed to anyone in the public before the priority date (filing date of the U.S. Provisional Application upon which the present invention claims priority) of the present application, January 10, 2003. Applicants have provided herewith a Supplementary Declaration setting forth that no public disclosure (printed or otherwise) of the Ledvina document occurred prior to January 15, 2003.

The date found on the Ledvina document was an internal date, not a publication date. The earliest disclosure of the Ledvina document occurred on January 15, 2003, five days after the priority date of the present application, January 10, 2003. In the Supplementary Declaration provided herein, the sequence of events that led to the publication date of Ledvina, the public disclosure being after the priority date of the present application, is provided.

III. CONCLUSION

In view of the inappropriate reference under 35 U.S.C. § 102, Applicants respectfully urge that Ledvina is not sufficient to render the presently claimed invention anticipated under 35 U.S.C. § 102.

Applicants assert that all pending claims stand allowed because there is no proper reference cited against those claims that teach or disclose Applicants' claimed invention. Independent claim 1 and independent claim 14 are believed to be in condition for allowance for the reasons stated above. All dependent claims (including the newly-added dependent claim 38) depend upon allowable independent claims, and are therefore also believed to be in condition for allowance. Applicants respectfully urge Examiner to find all claims presented in the present application in condition for allowance and to pass the case to issue.


One dependent claim has been added, but ten claims had been previously cancelled, and eight claims have previously been added, leaving a net of two claims previously paid for. Therefore, although no further fees are expected to be owed, the Commissioner for Patents is authorized to charge any additional fees or credit overpayment to Deposit Account No. 03-2410.

The following information is presented in the event that a call may be deemed desirable
by the Examiner:

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Respectfully submitted,
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